

NOV 01 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE Middle DISTRICT OF TENNESSEE
Nashville DIVISION

U. S. DISTRICT COURT
MID. DIST. TENN.

Lamont Boyd Name)
Prison Id. No. 118359 OCA)

Lamont Boyd Name)
Prison Id. No. 118359 OCA)

Plaintiff(s))

v.)

Corrections Cooperation Name)
of America, Officer James)
Yarbrough, Warden Name)
Blair Leibach)
Defendant(s))

(List the names of all the plaintiffs
filing this lawsuit. Do not use "et
al." Attach additional sheets if
necessary.)

Civil Action No. _____
(To be assigned by the Clerk's
office. Do not write in this space.)

Jury Trial ☐ Yes ☐ No

(List the names of all defendants
against whom you are filing this
lawsuit. Do not use "et al." Attach
additional sheets if necessary.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
FILED PURSUANT TO 42 U.S.C. § 1983

I. PREVIOUS LAWSUITS (The following information must be provided by each plaintiff.)

A. Have you or any of the other plaintiffs in this lawsuit filed any other lawsuits in the United States District Court for the Middle District of Tennessee, or in any other federal or state court?

☐ Yes

☒ No

B. If you checked the box marked "Yes" above, provide the following information:

1. Parties to the previous lawsuit:

Plaintiffs

Not Applicable

Defendants

Not Applicable

2. In what court did you file the previous lawsuit? Not Applicable
(If you filed the lawsuit in federal court, provide the name of the District. If you filed the lawsuit in state court, provide the name of the state and the county.)
3. What was the case number of the previous lawsuit? Not Applicable
4. What was the Judge's name to whom the case was assigned? Not Applicable
5. When did you file the previous lawsuit? Not Applicable (Provide the year, if you do not know the exact date.)
6. What was the result of the previous lawsuit? For example, was the case dismissed, appealed, or still pending? Not Applicable
7. When was the previous lawsuit decided by the court? N/A (Provide the year, if you do not know the exact date.)
8. Did the circumstances of the prior lawsuit involve the same facts or circumstances that you are alleging in this lawsuit.

☐ Yes

☐ No

N/A

(If you have filed more than one prior lawsuit, list the additional lawsuit(s) on a separate sheet of paper, and provide the same information for the additional lawsuit(s).)

II. THE PLAINTIFF'S CURRENT PLACE OF CONFINEMENT (The following information must be provided by each plaintiff.)

- A. What is the name and address of the prison or jail in which you are currently incarcerated? Corrections Corporation of America AKA CCA.
5115 Harding Place Nashville, TN 37211
- B. Are the facts of your lawsuit related to your present confinement?
- ☒ Yes ☐ No
- C. If you checked the box marked "No" in question II.B above, provide the name and address of the prison or jail to which the facts of this lawsuit pertain.
- _____
- D. Do the facts of your lawsuit relate to your confinement in a Tennessee State Prison?
- ☒ Yes ☐ No

If you checked the box marked "No," proceed to question II.H.

E. If you checked the box marked "Yes" in question II.D above, have you presented these facts to the prison authorities through the state grievance procedure?

☒ Yes ☐ No

F. If you checked the box marked "Yes" in question II.E above:

1. What steps did you take? Informal Resolution on 3/29/2013, A Grievance, No 91370, On 4/12/13, letter to Warden Blair: Leibach on 6/20/13, A letter to the CEO: Damon Hininger 7/18/13 Another Grievance, on 7/19/13
2. What was the response of prison authorities? I was denied on 5/7/13 and again on

G. If you checked the box marked "No" in question II.E above, explain why not. _____

H. Do the facts of your lawsuit pertain to your confinement in a detention facility operated by city or county law enforcement agencies (for example, city or county jail, workhouse, etc.)?

☐ Yes ☒ No

I. If you checked the box marked "Yes" in question II.H above, have you presented these facts to the authorities who operate the detention facility?

☐ Yes ☐ No

J. If you checked the box marked "Yes" in question II.I above:

1. What steps did you take? N/A
2. What was the response of the authorities who run the detention facility? _____

L. If you checked the box marked "No" in question II.I above, explain why not. C.C.A. Corrections Corporation of America, is a private Corporation, that Contract through Davidson County

Attach copies of all grievance related materials including, at a minimum, a copy of the grievance you filed on each issue raised in this complaint, the prison's or jail's response to that grievance, and the result of any appeal you took from an initial denial of your grievance.

III. PARTIES TO THIS LAWSUIT

A. Plaintiff(s) bringing this lawsuit:

1. Name of the first plaintiff: Lamont Boyd
Prison Id. No. of the first plaintiff: OCA 118359

Address of the first plaintiff: 5715 Harding Place, Nashville
TN 37211

(Include the name of the institution and mailing address, including zip code.
If you change your address you must notify the Court immediately.)

2. Name of second the plaintiff: N/A
Prison Id. No. of the second plaintiff: N/A
Address of the second plaintiff: N/A

(Include the name of the institution and mailing address, including zip code.
If you change your address you must notify the Court immediately.)

If there are more than two plaintiffs, list their names, prison identification numbers, and addresses on a separate sheet of paper.

B. Defendant(s) against whom this lawsuit is being brought:

1. Name of the first defendant: _____
Place of employment of the first defendant: _____
The first defendant's address: _____

Named in official capacity? ☐ Yes ☐ No
Named in individual capacity? ☐ Yes ☐ No

2. Name of the second defendant: _____

Place of employment of the second defendant: _____
The second defendant's address: _____

Named in official capacity? ☐ Yes ☐ No
Named in individual capacity? ☐ Yes ☐ No

If there are more than two defendants against whom you are bringing this lawsuit, you must list on a separate sheet of paper the name of each additional defendant, their place of employment, their address, and the capacity in which you are suing them. If you do not provide the names of such additional defendants, they will not be included in your lawsuit. If you do not provide their proper name, place of employment, and address, the Clerk will be unable to serve them should process issue.

IV. STATEMENT OF FACTS

State the relevant facts of your case as briefly as possible. Include the dates when the incidents or events occurred, where they occurred, and how each defendant was involved. Be sure to include the names of other persons involved and the dates and places of their involvement.

If you set forth more than one claim, number each claim separately and set forth each claim in a separate paragraph. Attach additional sheets, if necessary. Use 8 1/2 in. x 11 in. paper. Write on one side only, and leave a 1 in. margin on all four sides.

On Saturday Jan 19th 2013, C/O Yarbrough was assigned to Unit Juliet. Between the hours of 7:30pm. and 8:30pm. C/O Yarbrough conducted three red zone rounds (the opening and closing of individual cell doors.) At 9pm. C/O Thomas, also assigned to Juliet, concluded a random cell search of 021, which was my assigned cell. Upon his completion of the search, I was allowed to enter the cell. I noticed that my entire bag of commissary worth \$32.00 was gone. I immediately informed C/O Thomas he asked was I kidding, I told him "no." I then called C/O Yarbrough and inmate Akeem Johnson (OCA #027888) also assigned to 021 cell Juliet along with me. Yarbrough asked inmate Johnson in the presence of C/O Thomas and myself if he knew anything about my missing commissary. His verbal response was "no," but his body language indicated that he was lying.

It was later revealed to me by other inmates that Johnson had Yarbrough open the door to 021 and allowed inmate Marquize Brandon to go in and steal my commissary. The commissary went into cell 020 DeAndre Talley's cell, where it was split up among them.

I received information from inmate David Bittikafer (OCA #321209) that in Dec. 2012 CCA. refunded him ten or twelve dollars of commissary money, stolen from him by inmate Steven Amos. Open Bay area are allowed to have locks to secure their belongings. CCA. inmate handbook dated 2013-2014 Chapter Five "Right and Privileges" page 23 "You have the right to expect treatment as a human being with respect, impartiality and fairness"

V. RELIEF REQUESTED: Specify what relief you are requesting against each defendant.

- A. a refund
- B. an apology from Maitland Deathrow (he was the one that said, "I don't give a fuck about your commissary.")
- C.
- D. an apology from Blair Leibach (he thinks I'm lying)
- E.

F. I request a jury trial. ☒ Yes ☐ No

VI. CERTIFICATION

I (we) certify under the penalty of perjury that the foregoing complaint is true to the best of my (our) information, knowledge and belief.

Signature: Samuel Bayel Date: 10/11/2013

Prison Id. No. 0418359

Address: 5115 Harding Place Nashville, TN 37211

(Include the city, state and zip code.)

Signature: _____ Date: _____

Prison Id. No. _____

Address: _____

(Include the city, state and zip code.)

ALL PLAINTIFFS MUST SIGN AND DATE THE COMPLAINT, and provide the information listed above. If there are more than two plaintiffs, attach a separate sheet of paper with their signatures, dates, prison identification numbers, and addresses.

ALL PLAINTIFFS MUST COMPLETE, SIGN, AND DATE SEPARATE APPLICATIONS TO PROCEED IN FORMA PAUPERIS, if not paying the civil filing fee.

SUBMIT THE COMPLAINT, THE REQUIRED FILING FEE, OR APPLICATION TO PROCEED IN FORMA PAUPERIS, TOGETHER. Complaints received without the required filing fee or application to proceed *in forma pauperis* will be returned. Filing fees, or applications to proceed *in forma pauperis*, received without a complaint will be returned.